

EXHIBIT NO. 6DATE: 1/29/09BILL NO. SB154Amendments to Senate Bill No. 154
1st Reading Copy

Requested by Senator David Wanzenried

For the Senate Highways and Transportation Committee

Prepared by Tammy McGill
January 28, 2009 (10:04am)

1. Page 1, line 13.

Following: "FEE;"**Insert:** "LIMITING ACCESS TO DIGITIZED INFORMATION AND
ESTABLISHING A PENALTY FOR THE USE OR REMOTE READING OF THE
DIGITIZED INFORMATION;"

2. Page 3.

Following: line 15**Insert:** "NEW SECTION. **Section 5. Limit on access to digitized
information -- use of digital reading device -- civil liability.**(1) A nongovernmental entity may not have access to any
digitized information contained in an enhanced identification
card issued under Title 61, chapter 12, part 5, or an enhanced
driver's license issued under this chapter other than the unique
reference number.(2) A nongovernmental entity may not store, record, or
retain any information obtained through a reader or captured
remotely.(3) To the extent that a nongovernmental entity gains
access to the digitized information stored on an enhanced
driver's license or enhanced identification card, the entity is
civilly liable for the unauthorized access to, or retention and
use of, the information by an agent of the entity."**Insert:** "NEW SECTION. **Section 6. Remote reading of
identification document -- definitions.** (1) A person commits the
offense of remote reading of an identification document when,
except as provided in subsection (2), the person intentionally
possesses, reads, or captures remotely information contained on
another person's identification document without that person's
express knowledge or consent.

(2) This section does not apply to a person or entity that:

(a) reads an identification document to facilitate border
crossing;(b) reads a person's identification document in the course
of an act of good faith security research, experimentation, or
scientific inquiry, including but not limited to activities
useful in identifying and analyzing security flaws and
vulnerabilities; or

(c) unintentionally reads an identification document

remotely in the course of operating its own radio frequency identification system if the inadvertently received information:

- (i) is not disclosed to any other party;
- (ii) is not used for any purpose; and
- (iii) is not stored or is promptly destroyed.

(3) For purposes of [sections 1 through 7], the following definitions apply:

(a) "Enhanced driver's license" means a driver's license that is issued under [sections 1 through 7].

(b) "Enhanced identification card" means an identification card issued under [sections 1 through 7].

(c) "Identification document" means an enhanced driver's license or an enhanced identification card.

(d) "Radio frequency identification" means a technology that uses radio waves to transmit data remotely to a reader.

(e) "Reader" means a scanning device that is capable of using radio waves to communicate with an identification document and read the data encoded in the identification document.

(f) "Remotely" means that no physical contact between the identification document and a reader is necessary in order to transmit data using radio waves.

(g) "Unique reference number" means a randomly assigned series of numbers or symbols issued by the department that is encoded in an identification document and is intended to be read remotely by a reader to identify the identification document that has been issued to a particular individual.

(4) A person convicted of the offense of remote reading of an identification document shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

Renumber: subsequent sections

3. Page 3, line 22.

Following: "instruction."

Insert: "(1)"

Following: "through 5"

Insert: "and 7"

Following: "through 5" on line 23

Insert: "and 7"

Following: line 23

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 6]."

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